

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Erin Brokate	Team: Team # 2	CCRB Case #: 201115999	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 12/07/2011 12:49 AM	Location of Incident: Ryer Avenue and East 183rd Street	Precinct: 46	18 Mo. SOL 6/7/2013	EO SOL 6/7/2013	
Date/Time CV Reported Wed, 12/07/2011 12:30 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 12/14/2011 11:52 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM William Concannon	23380	945604	046 PCT
2. POM David Monahan	28027	942225	046 PCT
3. POM Rafael Perdomo	21268	942338	046 PCT
4. POM Joseph Ayala	03194	946761	046 PCT
5. POM Kenneth Ayala	10194	946762	046 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. LCD John Breheny	00000	888125	I.A.B.

Officer(s)	Allegation	Investigator Recommendation
A.POM David Monahan	Force: PO David Monahan used physical force against § 87(2)(b)	
B.POM William Concannon	Force: PO William Concannon used physical force against § 87(2)(b)	
C.POM Rafael Perdomo	Force: PO Rafael Perdomo used physical force against § 87(2)(b)	
D.POM Joseph Ayala	Force: PO Joseph Ayala used physical force against § 87(2)(b)	
E.POM Kenneth Ayala	Force: PO Kenneth Ayala used physical force against § 87(2)(b)	

Case Summary

The following complaint was filed by § 87(2)(b) with IAB via telephone on December 7, 2011. This complaint was forwarded to the CCRB on December 14, 2011 via IAB log number 11-57003. On December 7, 2011, at approximately 12:49 a.m., § 87(2)(b) went looking for her brother, § 87(2)(b). While she was out looking for him, she was approached by an unnamed witness who informed her that her brother had been assaulted and arrested by multiple police officers in the vicinity of Ryer Avenue and East 183rd Street in the Bronx. § 87(2)(b) went to the 46th Precinct stationhouse and while there, she saw § 87(2)(b) with a bruised lip, a bandage on his head, a black eye and a bloody nose. An arrest report for § 87(2)(b) revealed that he had been arrested for assault and criminal possession of a weapon by PO David Monahan of the 46th Precinct. Following his arrest, he was taken to § 87(2)(b) Hospital and received five staples in his head. According to the IAB log, § 87(2)(b) was interviewed by Lieutenant John Breheny of Group 54 on December 8, 2011. During this interview, § 87(2)(b) stated that he was intoxicated during this incident and had an open container. After being approached by PO Monahan, PO William Concannon, PO Rafael Perdomo, PO Joseph Ayala and PO Kenneth Ayala, all of whom were identified by name in the IAB log, § 87(2)(b) attempted to flee the scene. After he did this, one of the officers began punching him and this made him dizzy. He steadied himself on a light pole and the officers proceeded to repeatedly punch and kick him before taking him to the ground (**Allegations A, B, C, D and E**). Because PO Monahan, PO Concannon, PO Perdomo, PO Joseph Ayala and PO Kenneth Ayala were identified by name, allegations of force are being pleaded against them.

On December 29, 2011, a first phone call was placed to § 87(2)(b) and § 87(2)(b) and a voicemail was left for both individuals. On January 6, 2012, “please call” letters were sent to both individuals and a second voicemail was left for both individuals requesting a call back. On January 12, 2012, a third phone call was placed to the home number shared by § 87(2)(b) and § 87(2)(b) and a voicemail again was left requesting a call back. A final “please call” letter was mailed to both individuals on January 12, 2012. The SPRINT report and complaint report was reviewed for additional contact information for both individuals and none was found. On January 19, 2012, a fourth phone call was placed to both individuals and at this time, § 87(2)(b) answered and spoke to the undersigned investigator. § 87(2)(b) stated that he had no time to talk and would call back when he did. He also provided the undersigned investigator with a cell phone number for § 87(2)(b). On January 24, 2012, a voicemail was left for § 87(2)(b) on her cell phone voicemail and a fifth voicemail message was left for both individuals on their shared home phone number. On February 3, 2012, a search of the NYC Department of Corrections website was conducted and neither individual is currently incarcerated in New York City. To date, none of the letters sent to § 87(2)(b) and § 87(2)(b) have been returned to the CCRB.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Team: _____

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Investigator:	_____	_____	_____
	Signature	Print	Date

Supervisor:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date